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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 IN RE: CATHODE RAY TUBE (CRT)
17 ANTITRUST LITIGATION

Master File No. 3:07-cv-5944 JST

MDL No. 1917

18 THIS DOCUMENT RELATES TO:

19 Individual Case No. 13-cv-2171 (JST)

20 DELL INC. and DELL PRODUCTS L.P.,

21 Plaintiffs,

22 v.

23 HITACHI, LTD., ET AL.,

24 Defendants.

**DELL PLAINTIFFS' AND
DEFENDANT LG ELECTRONICS,
INC.'S STIPULATION OF
WITHDRAWAL OF PENDING
MOTIONS**

1 Plaintiffs Dell Inc. and Dell Products L.P. (collectively, “Dell”) and Defendant LG
2 Electronics, Inc. (“LGE”), by and through undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on April 25, 2016, Dell and LGE filed a stipulation with the Court seeking
4 dismissal of Dell’s claims against LGE in this action (MDL Dkt. No. 4595);

5 WHEREAS, on April 25, 2016, the Court granted the stipulation dismissing Dell’s claims
6 against LGE in this action (MDL Dkt. No. 4600);

7 WHEREAS, at the time of this stipulation, LGE has filed, or has joined, certain summary
8 judgment and *Daubert* motions pending against Dell;

9 WHEREAS, in light of the stipulated dismissal of Dell’s causes of action against LGE, LGE
10 seeks to withdraw certain motions, or seeks to withdraw its joinder to these motions, as they pertain
11 to Dell, but not as they pertain to any other parties, or motions brought by or joined by any other
12 Defendant;

13 WHEREAS, Dell seeks to withdraw certain motions, as they pertain to LGE, but not as they
14 pertain to any other parties, or motions brought by or joined by any other Plaintiff.

15 IT IS HEREBY STIPULATED AND AGREED by and between counsel for Dell and LGE,
16 subject to the concurrence of the Court, that:

17 1. LGE withdraws the following motions, or its joinder in the following motions, as
18 to—and only as to—Dell:

19 a) Motion for Partial Summary Judgment for Lack of Standing as to Direct Action
20 Plaintiffs’ Sherman Act Damage Claims Based on CRT Product Purchases from
21 Samsung Electronics (MDL Dkt. No. 2983, 3864);

22 b) Motion for Summary Judgment Based Upon Plaintiffs’ Failure to Distinguish
23 Between Actionable and Non-Actionable Damages Under FTAIA (MDL Dkt. No.
24 3008);

25 c) Motion for Partial Summary Judgment on FTAIA Grounds (MDL Dkt. No.
26 3032);

27 d) Motion for Summary Judgment Based Upon Absence of Evidence of Liability
28 (MDL Dkt. No. 3037, 3864);

e) Motion for Partial Summary Judgment against Dell and Sharp Plaintiffs on
Statute of Limitations Grounds (MDL Dkt. No. 3044);

f) Motion for Partial Summary Judgment on Withdrawal Grounds (MDL Dkt. No.
3086);

- g) Joint Notice of Motion and Motion for Summary Judgment Based Upon Plaintiffs' Foreign Transactions Barred by the FTAIA (MDL Dkt. No. 3003);
- h) Motion for Summary Judgment (on liability) (MDL Dkt. No. 3040, 3864);
- i) Motion for Partial Summary Judgment as to Direct Action Purchaser's Sherman Act Damages Claims Based on CRT Product Purchases from NEC-Corporation and NEC-Mitsubishi Electric Visual Systems Corporation (MDL Dkt. No. 3026, 3864);
- j) Motion to Exclude Expert Testimony of Professor Stephan Haggard (MDL Dkt. No. 3172, 3864); and
- k) Motion to Exclude Certain Expert Testimony of Professor Kenneth Elzinga (MDL Dkt. No. 3174).

2. Dell withdraws the following motion as to—and only as to—LGE:

- a) Motion to Partially Exclude the Expert Report and Opinions of Janusz A. Ordovery, Ph.D. (MDL Dkt. No. 3170).

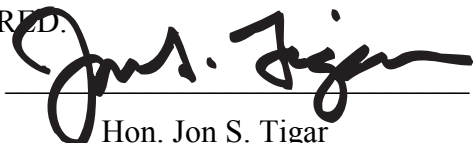
3. Each of the above-referenced motions in Paragraph 1 will remain pending as to other Plaintiffs' claims to which they are directed and shall remain pending as to Dell insofar as the motions have been made by or joined by other Defendants.

4. Each of the above-referenced motions in Paragraph 2 will remain pending as to other Defendants to which they are directed and shall remain pending as to LGE insofar as the motions have been made by or joined by other Plaintiffs.

5. The undersigned parties jointly and respectfully request that the Court enter this Stipulation as an order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 28, 2016


 Hon. Jon S. Tigar
 United States District Judge

1 Dated: April 28, 2016

Respectfully Submitted,

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23
24 Pursuant to General Order No. 45, § X-B, the filer attests that concurrence in the filing of this
25 document has been obtained from each of the above signatories.
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